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flit between that law and the law of the place of performance. *Union Nat. Bank v. Chapman*, 169 N. Y. 538, 62 N. E. 672; *Hager v. Nat. Ger. Am. Bank*, 105 Ga. 116, 31 S. E. 141. *Contra*, *Mayer v. Roche*, 77 N. J. L. 681, 75 Atl. 235. The court seems, in the instant case, to have failed to distinguish clearly between capacity and the broader question of the validity of contracts generally — such as the effect of particular provisions of a contract which admittedly exists. There have been various holdings as to the latter: that the governing law is that of the place of making, of the place of performance, or of the place intended by the parties to the contract. See Joseph H. Beale, "What Law Governs the Validity of a Contract," 23 HARV. L. REV., 79-103, 194-208. And there is considerable force in the contention that this question, too, should be governed by the law of the place where the agreement is made. See Beale, 23 HARV. L. REV., 270-272. Considerations of convenience have doubtless influenced the court in the principal case, but the decision can hardly be justified on principle or authority.

CONSTITUTIONAL LAW — CONFLICT OF LAWS — STATUTE TAKING AWAY RIGHT OF ACTION ARISING IN ANOTHER STATE FOR DEATH BY WRONGFUL ACT. — The plaintiff's intestate was killed in Ohio through the negligence of the defendant, the Ohio statutes giving a right of action to the administrator for death by wrongful act. The plaintiff brought this action in Illinois under a statute allowing suits for the recovery of damages for such a death even though occurring without the state. Pending an appeal and before any final judgment, the Illinois statute was amended so as to forbid the institution or prosecution of any such action arising outside of the state, though allowing actions for such deaths within the state. *Held*, that the plaintiff may not recover. *Wall v. Chesapeake & O. Ry. Co.*, 125 N. E. 20 (Ill.).

A statute is not brought into conflict with the Fourteenth Amendment by the mere fact that it is retrospective in its operation. *League v. Texas*, 184 U. S. 156. But vested rights of property, regardless of their source, whether contractual or otherwise, come within its protection. See *Pritchard v. Norton*, 106 U. S. 124, 132. See also TAYLOR, DUE PROCESS OF LAW, §§ 224 *et seq.* A statute may deprive a person of his property as effectually by taking away all means of enforcement as by denying its existence. *Eltor v. Tacoma*, 228 U. S. 148. Thus a repealing act which takes away all remedy for a right of action for injuries to property is unconstitutional. *Eltor v. Tacoma*, *supra*. It has been held, however, that there can be no vested right in a claim of damages for personal injuries or death. *Carson v. Gore-Meenan Co.*, 229 Fed. 765. But this seems too broad. Where such a right of action is assignable or survives, it would seem clearly to be "property," even though not reduced to judgment; and a statute taking away such a local cause of action would be unconstitutional. See *Louisiana v. New Orleans*, 109 U. S. 285, 291; *Angle v. Chicago, &c. Ry.*, 151 U. S. 1, 19. The Constitution requires that any policy a state may adopt as to the limits of the jurisdiction of its courts must operate in the same way on its own citizens and those of other states. *Blake v. McClung*, 172 U. S. 239. But in other respects each state may determine how far its courts, having jurisdiction of the parties, shall hear and decide transitory actions, where the cause of action has arisen outside of the state. *Chambers v. Baltimore & O. R. Co.*, 207 U. S. 142; *St. Louis, &c. R. Co. v. Taylor*, 210 U. S. 281. See 17 HARV. L. REV. 54. Accordingly, the principal case does not involve any question of "due process" but merely illustrates the old principle that the laws of one state can have no extraterritorial effect except by the permission of other states. *Paul v. Virginia*, 75 U. S. (8 Wall.) 168; *Huntington v. Attrill*, 146 U. S. 657. See 32 HARV. L. REV. 172. It would seem, however, that the court might have avoided a harsh result by so interpreting the statute as to avoid retrospective operation.